

Regular Session, 2011

ACT No. 377

HOUSE BILL NO. 377

BY REPRESENTATIVE PEARSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 11:164(B) and 191(A) and R.S. 24:36(A) and to enact R.S.
3 11:191(C), relative to state and statewide retirement systems; to prohibit certain
4 earnings from being included in the calculation of benefits for certain members
5 elected to the legislature; to provide with respect to service credit for such members;
6 to provide with respect to contributions; to provide with respect to benefit calculation
7 for certain members elected to the legislature; and to provide for related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article X, Section 29(C) of the Constitution
10 of Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 11:164(B) and 191(A) are hereby amended and reenacted and R.S.
13 11:191(C) is hereby enacted to read as follows:

14 §164. Part-time public officials

15 * * *

16 B.(1) The provisions of Subsection A of this Section shall not apply to any
17 person who is serving on January 1, 1997, in any elected or appointed position set
18 forth in Subsection A of this Section and who is also a member on January 1, 1997,
19 of a retirement system covering that position.

20 (2)(a) For any person to whom Paragraph (1) of this Subsection applies and
21 who is elected to the legislature on or after July 1, 2011, the accrual rate shall be two

1 percent for any creditable service earned as a legislator on or after that date.
2 Furthermore, the additional one percent accrual rate provided pursuant to R.S.
3 24:36(A) shall not apply to any such person.

4 (b) The provisions of this Paragraph shall not apply to any person serving in
5 the legislature on June 30, 2011.

6 (c) The provisions of this Paragraph shall not apply to any person to whom
7 R.S. 11:191(C) applies. For such persons, no service credit shall accrue for service
8 as an elected member of the legislature.

9 * * *

10 §191. Dual employment

11 A. Any person who is employed in more than one public employment within
12 this state, except as provided in Subsection C of this Section and who, by reason of
13 such employment is eligible, as a condition of such employment, to be a member of
14 the public retirement system or fund applicable to employees in each of such public
15 employments, shall be a contributing member of each such retirement system or fund
16 during the term of his employment. In no event shall such person be allowed to earn
17 more than one year of service credit in any one year. Service credit earned in more
18 than one retirement system or fund in any one year shall not be transferred or
19 recognized reciprocally to attain more than one year of service credit in any one
20 system in any one year.

21 * * *

22 C.(1) For any member of a state or statewide retirement system elected to the
23 legislature for a term commencing on or after July 1, 2011, and who holds another
24 position of public office or employment within this state making him eligible for
25 membership in such system, the earnable or earned compensation, or its equivalent,
26 upon which his retirement benefit is calculated, shall not include any compensation
27 for his service in the legislature occurring on or after July 1, 2011. Furthermore, no
28 service credit shall accrue for such service as an elected member of the legislature.

1 Neither employee nor employer contributions shall be remitted on the compensation
2 received for such elected service in the legislature.

3 (2) The provisions of this Subsection shall not apply to any member serving
4 in the legislature on June 30, 2011.

5 Section 2. R.S. 24:36(A) is hereby amended and reenacted to read as follows:

6 §36. Additional benefits payable to legislators; certain legislative personnel;
7 governor; lieutenant governor; political subdivision service credit; credit for
8 service previously rendered; additional contributions; computation of
9 benefits payable; membership

10 A. All persons who are or have been members of the Louisiana Legislature,
11 or who are or have been the clerk or sergeant-at-arms of the House of
12 Representatives, or the secretary or sergeant-at-arms of the Senate, or who are or
13 have been the governor, or who are or have been the lieutenant governor, and who
14 are members of any actuarially funded retirement system maintained by the state of
15 Louisiana or any political subdivision thereof, shall receive an additional benefit
16 equal to one percent times the number of years of service in the Louisiana state
17 legislature, except as provided by R.S. 11:164, or as clerk or sergeant-at-arms of the
18 House of Representatives or as secretary or sergeant-at-arms of the Senate, or as an
19 employee of the legislature, or as governor or lieutenant governor, times the average
20 salary as defined in the law covering the particular system of which each is a
21 member. Years of service as clerk or sergeant-at-arms of the House of
22 Representatives, as secretary or sergeant-at-arms of the Senate, or as an employee
23 of the legislature, or as governor or lieutenant governor shall be computed in the
24 same manner as years of service is computed for membership in the legislature.

25 * * *

1 Section 3. This Act shall become effective on June 30, 2011; if vetoed by the
2 governor and subsequently approved by the legislature, this Act shall become effective on
3 June 30, 2011, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____